

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
INNOVATION VENTURES, LLC and LIVING  
ESSENTIALS, LLC,

Plaintiffs,

v.

ULTIMATE ONE DISTRIBUTING CORP., ET AL.,

Defendants.  
-----X

Civil Action No. 12  
Civ. 5354 (KAM) (RLM)

**STIPULATION**


IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs Innovation Ventures, LLC, and Living Essentials, LLC, (together, "Plaintiffs"), and counsel for Defendant Valero Retail Holdings, Inc. ("Valero"), that the time for Valero to answer, move or otherwise respond with respect to the Seventh Amended Complaint<sup>1</sup> in this action is extended until June 14, 2013. Valero and the Plaintiffs previously agreed to and the Court granted extensions of time to answer the Seventh Amended Complaint (the "Complaint") until March 15, 2013, April 5, 2013 and again until May 6, 2013.

IT IS FURTHER STIPULATED AND AGREED, that this stipulation may be executed in counterparts, each of which shall be deemed an original, and a facsimile or PDF copy of the signatures of respective counsel hereon shall be deemed as fully binding as original signatures for all purposes.

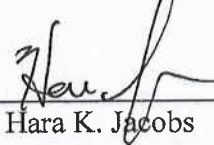
---

<sup>1</sup> On March 11, 2013, Valero submitted a pre-motion conference letter to the Court concerning Valero's intention to file a motion to dismiss six of the claims asserted against it. (Dkt. No. 450.) On March 14, 2013, Plaintiffs filed a Notice of Voluntary Dismissal (Dkt. No. 465) dismissing five of the claims for relief as alleged in the Complaint against Valero and Valero agreed to withdraw its request for a pre-motion conference. On March 15, 2013, Judge Matsumoto ordered that Plaintiffs' Second, Third, Ninth, Tenth and Eleventh Claims for Relief against Valero be dismissed.

Dated: May 3, 2013

  
By: Geoffrey Potter  
PATTERSON BELKNAP WEBB &  
TYLER LLP  
1133 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 336-2050  
*Attorneys for Plaintiffs*

Dated: May 3, 2013

  
By: Hara K. Jacobs  
BALLARD SPAHR LLP  
1735 Market St., 51<sup>st</sup> Floor  
Philadelphia, PA 19103  
Telephone: (215) 864-8209  
*Attorneys for Defendant Valero Retail  
Holdings, Inc.*

SO ORDERED:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE